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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 ROBERT EARL FORD,

12 Defendant.  
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Case No. 2:15-mj-01112-GWF

**ORDER**

14 This matter is before the Court on the Government's Motion to Dismiss Complaint (ECF  
15 No. 44), filed on August 30, 2016. Defendant filed a Non-Opposition (ECF No. 45) on August 30,  
16 2016 and a Supplement (ECF No. 46) on August 31, 2016. The Government filed a Reply (ECF  
17 No. 49) on September 1, 2016. Defendant filed a Sur-Reply (ECF No. 50) on September 2, 2016.

18 While Defendant does not oppose the dismissal of the complaint and amended complaint  
19 against him, he requests that the Court dismiss the complaint and amended complaint with  
20 prejudice in order to achieve a sense of "finality" with respect to the charges brought against him.  
21 *See Supplement* (ECF No. 46). The Government opposes Defendant's request and seeks to have  
22 the complaint and amended complaint dismissed without prejudice. *See Reply* (ECF No. 49). The  
23 Government asserts that it has not acted in bad faith in dismissing the complaint and amended  
24 complaint pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and argues that  
25 dismissal without prejudice is proper in order to allow the Government, if it elects to do so, to  
26 recharge Defendant based on the same or similar charges. *Id.* The Court agrees. Accordingly,  
27 ...  
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*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge